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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/600,834 | 06/23/2003 | Shuuichi Yatabe | 02410274US | 6237 |

7055 7590 09/22/2005

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EXAMINER

KING, BRADLEY T

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3683

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/600,834 | Applicant(s) YATABE, SHUUICHI | |
| | Examiner Bradley T. King | Art Unit 3683 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/18/2005 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites "wherein the annular valve portion faces in a same direction". It is not clear what is meant by this limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5190125.

US 5190125 discloses all the limitations of the instant claims including: a booster shell 12; a booster piston 17 accommodated inside the booster shell and partitioning the interior of the booster shell into a front side vacuum pressure chamber 16 communicating with a vacuum pressure source and a rear side operation chamber 17; a valve cylinder 18 communicating with the booster piston, the valve cylinder including: a valve piston 21 fitted into the valve cylinder to be slidable in a forward and rearward direction of the valve cylinder; an input rod 20 coupling with the valve piston at a front end thereof; a control valve 23 switching communication of the operation chamber with the vacuum pressure chamber and with air in accordance with a forward and rearward movement of the input rod between the valve piston and the valve cylinder; and an input return spring 29b for pushing the input rod backward, and the control valve including: an annular vacuum pressure introducing valve seat 18b formed in the valve cylinder; an atmosphere introducing valve seat 21a formed in the valve piston and arranged inside the vacuum pressure introducing valve seat; a valve body 22 including:

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an annular attaching bead portion (see figure 4) airtightly attached to the valve cylinder;
an expansion cylinder portion 22b1 extending in the axial direction from the attaching bead portion; and an annular valve portion 22a communicating with a forward end portion of the expansion cylinder portion and opposed to the vacuum pressure introducing valve seat and the atmosphere introducing valve seat so as to seat thereon; and a valve spring 29a for pushing the valve portion so as to seat on the vacuum pressure introducing valve seat and the atmosphere introducing valve seat, wherein a first port communicating with the vacuum pressure chamber is opened on the outer circumferential side of the vacuum pressure introducing valve seat, a second port communicating with the operation chamber is opened between the vacuum pressure introducing valve seat and the atmosphere introducing valve seat in such a manner that the inner circumferential side of the valve portion is communicated with the atmosphere, the attaching bead portion is tightly held between a pair of cylindrical holding portions formed in a pair of valve holders 131a-b attached to the valve cylinder 18, an annular recess portion (on 131a) and an annular protruding portion (on 131b) of the pair of cylinder holding portions are elastically engaged with each other (note spring 29b), and a diameter of the holding portion is smaller than the inner diameter of the valve cylinder.

Regarding claim 2, at least one 131a of the pair of valve holders is engaged on the inner circumferential face of the valve cylinder through a seal member 40.

Regarding claim 3-4, a cylindrical connecting portion engaging with an outer circumferential face of one valve holder having the holding portion for holding an inner circumferential face of the attaching bead portion is integrally formed in the other valve

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holder 131a having the holding portion for holding an outer circumferential face of the attaching bead portion.

Regarding claims 5-6, wherein a recessing (on 131a) and a protruding portion (on 131b) elastically engaged with each other are formed on respective engaging faces between the pair of valve holders.

Regarding claims 7-12, the valve portion 22a slidably fitted on the inner circumferential face of the valve cylinder 18, a forward annular chamber and a rear annular chamber (see figure 5) are formed in the valve cylinder, the forward annular chamber is communicated with the first port and the rear annular chamber is communicated with the second port, a forward annular chamber is closed by the front face of the valve portion when the valve portion is seated on the vacuum pressure introducing valve seat, and a back face of the valve portion is facing to a rear annular chamber (see figure 1).

Regarding claim 19, note front holder 131a and rear holder 131b. The front holder includes a connecting portion (near the reference number 131a) that is positioned between the valve cylinder and an engaging portion (outer edge) of the rear holder 131b.

Allowable Subject Matter

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 7/18/2005 have been fully considered but they are not persuasive. Element 131a clearly has an annular recess portion (near the reference numeral, also receiving the spring and first retainer) and element 131b has a protruding portion (the bent outer portion) and the two portions "engage" each other as broadly recited by the claims. Claim 1 does not require the portions to be on any particular holder, nor do the claims require any snap fit or mating. Regarding claims 13-18, it is not clear which features Applicant feels are lacking from the prior art. It is maintained that the rejections are proper. Regarding claim 19, please note the rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BTK

Robert A. Siconolfi
ROBERT A. SICONOLFI
PATENT EXAMINER

9/18/05